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HUMAN RIGHTS COMMITTEE
Seventy-second session

LIST OF ISSUES ADOPTED BY THE HUMAN RIGHTS COMMITTEE ON 5 APRIL 2001, TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE THIRD PERIODIC REPORT OF THE KINGDOM OF THE NETHERLANDS (CCPR/C/NET/99/3)

Constitutional and legal framework within which the Covenant and the Optional Protocol are implemented (art. 2)

1. Please provide information on the existing mechanisms to implement the Committee's recommendations expressed in its concluding observations and in Views on individual communications.

I. EUROPEAN PART OF THE KINGDOM

The right to life; prevention of torture and degrading treatment; liberty and security of the person; treatment of prisoners and other detainees (arts. 6 and 7, 9 and 10)

2. Please provide information on the practice of euthanasia and/or assisted suicide in the Netherlands. How is it regulated and under what conditions is it practised?

3. Please provide further information on the Medical Research Involving Human Subjects Act. Please provide more details on scientific research involving minors and incapacitated adults, in particular the non-prohibited therapeutic research referred to (paragraph 36 of the report).

4. Please provide information with regard to any measures that have been taken to improve the implementation of the right to notify family members or friends if an individual has been taken into custody.

5. Please explain what provisions apply to the right of any detained persons to have access to a lawyer, when access is granted and with what delays.

6. Please provide further details on the practice of electronic tagging as an alternative to implementation of custodial sentences (paragraph 71 b of the report). How many convicted persons have been the subject of such alternative sentencing?

7. Please comment on the new provisions of the Code of Criminal Procedure (April 1995), whereby pre-trial detention may be imposed in respect of a number of specific property offences and its compatibility with the provisions of article 9 of the Covenant (paragraph 58 of the report).

Rights of aliens (art. 13)

8. Please explain whether the new aliens bill, reportedly submitted to the Lower House of Parliament in September 1999, has come into force since the submission of the report. Please provide information about the main changes introduced by this new law, in comparison to the previous Act (paragraph 90 of the report).

9. Are female genital mutilation or other traditional practices that infringe the physical integrity or health of women taken into consideration when deciding on measures of expulsion to another country?

Protection of the child (art. 24)

10. Please provide updated statistics on cases of child abuse (paragraph 165 of the report). What specific measures have been adopted to combat this phenomenon? Have they proved effective in reducing reported incidents of child abuse?

Equality and the principle of non-discrimination (arts. 3 and 26)

11. Please provide statistics with regard to incidents of violence against women. What measures have been taken to prevent such incidents? Have there been any indictments and/or convictions for marital rape since 1991?

12. What measures are being taken to prevent or combat trafficking in women for the purpose of forced prostitution (paragraph 38 of the report)?

13. How many cases of discrimination have been investigated by the Equal Treatment Commission (paragraph 185 of the report)? Also please provide information on the outcome of the investigations.

Minorities (art. 27)

14. Please comment on any special measures, legislative or administrative, that have been taken for the protection of minorities, as provided for in article 27 of the Covenant.

II. THE NETHERLANDS ANTILLES

15. Has the new Civil Code for the Netherlands Antilles entered into force since the submission of the report (paragraph 379 of the report) and what would be its impact on the promotion of equality between men and women?

16. Taking into account the statements in paragraphs 230 and following of the report, please comment on the factual and legal equality of women with respect to men.

17. Has the Criminal Code been revised? If so, please indicate whether the references to the death penalty in articles 103.2 and 108.3 have been deleted. If it has not been revised yet, when is it expected that the revision will take place (paragraphs 46 and following of the report)?

18. Please provide further information on the functioning of the Police Complaints Committees (paragraphs 252 and 382 of the report). How many complaints have been submitted to these Committees, if any? Please indicate the results of the investigations undertaken by these Committees. Has anyone been brought to justice on the basis of the investigations undertaken by the Committees?

19. Please clarify the precise content and scope of the cooperation agreement between the Netherlands Antilles and the Netherlands concerning the reorganization of the prison system (paragraph 389 of the report). Does this agreement address issues such as improvement of detention conditions, particularly overcrowding and poor sanitary conditions in the prison system? Please comment specifically on the situation in Koraal Specht prison, in Curacao, and in police stations in St. Marteen and Bonaire.

20. Please inform the Committee of the existing mechanism for the investigation of allegations of ill-treatment in detention facilities.

III. ARUBA

21. Please clarify whether the Police Complaints Decree has now been amended and explain the main changes introduced by the amendments (paragraph 600 of the report).

22. Please explain the progress made since the submission of the report with regard to the drafting of a new national ordinance on the rules governing the prison system and forms of detention other than imprisonment (paragraphs 512 and 607)? When is this new national ordinance expected to enter into force?

23. The Country Ordinance on Admittance and Deportation entitles the legitimate family of Aruban males - but not of Aruban females - to be admitted to Aruba. Please provide information

on whether the proposed Admission and Expulsion Ordinance designed to abolish this discriminatory treatment has entered into force, or when is it expected to do so (paragraph 596 of the report).

24. Please provide updated information about the participation of women in public life, the workforce and education, and on the proportion of women in positions of responsibility and decision-making positions in the public and private sectors. What measures are envisaged to enhance the status of women in the political area and public service?

25. Please provide information on the situation of domestic personnel, who are not covered by the Labour Code (paragraph 500 of the report).

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

26. Please indicate the steps taken to disseminate information on the submission of the periodic reports under article 40 of the Covenant and their consideration by the Committee, in particular on the Committee's concluding observations.

27. Please provide information on training and education on the Covenant and the Optional Protocol procedure provided to public officials.